



The Crime against Kansas.

By CHARLES SUMNER.

FROM HIS SPEECH IN THE SENATE, MAY 19, 1856.

I UNDERTAKE, in the first place, to expose the CRIME AGAINST KANSAS, in origin and extent. Logically, this is the beginning of the argument. I say Crime, and deliberately adopt this strongest term, as better than any other denoting the consummate transgression. I would go further if language could further go. It is the *Crime of Crimes*,—surpassing far the old *Crimen Majestatis*, pursued with vengeance by the laws of Rome, and containing all other crimes, as the greater contains the less. I do not go too far when I call it the *Crime against Nature*, from which the soul recoils, and which language refuses to describe. To lay bare this enormity I now proceed. The whole subject has become a twice-told tale, and its renewed recital will be a renewal of sorrow and shame; but I shall not hesitate. The occasion requires it from the beginning.

It is well remarked by a distinguished historian of our country that, “at the Ithuriel touch of the Missouri discussion, the Slave Interest, hitherto hardly recognized as a distinct element in our system, started up portentous and dilated,”* with threats and assumptions which are the origin of our existing national politics. This was in 1820. The debate ended with the admission of Missouri as a Slaveholding State, and the prohibition of Slavery in all the remaining territory west of the Mississippi and north of 36° 30', leaving the condition of other territory south of this line, or subsequently acquired, untouched by the arrangement. Here was a solemn act of

* Hildreth, History of the United States, vol. vi. p. 713.

legislation, called at the time compromise, covenant, compact, first brought forward in this body by a slaveholder, vindicated in debate by slaveholders, finally sanctioned by slaveholding votes,—also upheld at the time by the essential approbation of a slaveholding President, James Monroe, and his Cabinet, of whom a majority were slaveholders, including Mr. Calhoun himself; and this compromise was made the condition of the admission of Missouri, without which that State could not have been received into the Union. The bargain was simple, and was applicable, of course, only to the territory named. Leaving all other territory to await the judgment of another generation, the South said to the North, Conquer your prejudices so far as to admit Missouri as a slave State, and, in consideration of this much coveted boon, slavery shall be prohibited “forever” (mark here the word “forever”)* in all the remaining Louisiana Territory above 36° 30'; and the North yielded.

In total disregard of history, the President, in his annual message, tells us that this compromise “was *reluctantly* acquiesced in by Southern States.” Just the contrary is true. It was the work of slaveholders, and by their concurring votes was crowded upon a reluctant North. It was hailed by slaveholders as a victory. Charles Pinckney, of South Carolina, in an oft-quoted letter, written at eight o'clock on the night of its passage, says, “It is considered here by the slaveholding States as a great triumph.”† At the North it was accepted as a defeat, and the friends of freedom everywhere throughout the country bowed their heads with mortification. Little did they know the completeness of their disaster. Little did they dream that the prohibition of slavery in the territory, which was stipulated as the price of their fatal capitulation, would also, at the very moment of its maturity, be wrested from them.

Time passed, and it became necessary to provide for this territory an organized government. Suddenly, without notice in the public press or the prayer of a single petition or one word of open recommendation from the President, after an acquiescence of thirty-four years, and the irreclaimable posses-

* Referring to this provision of the Missouri Bill, Mr. Niles italicizes “forever,” thus showing his construction of the word. Niles's *Weekly Register*, March 11, 1820.

† This letter, which the *Columbian Centinel*, of Boston, April 1, 1820, properly styles “tell-tale,” was addressed to the editor of the *Charleston City Gazette*, under date of March 2, 1820.

sion by the South of its special share under this compromise, in breach of every obligation of honor, compact, and good neighborhood, and in contemptuous disregard of the outgushing sentiments of an aroused North, this time-honored prohibition—in itself a landmark of Freedom—was overturned, and the vast region now known as Kansas and Nebraska was open to slavery. It is natural that a measure thus repugnant in character should be pressed by arguments mutually repugnant. It was urged on two principal reasons, so opposite and inconsistent as to fight with each other: one being that, by the repeal of the Prohibition, the Territory would be left open to the entry of slaveholders with their slaves, without hindrance; and the other being that the people would be left absolutely free to determine the question for themselves, and to prohibit the entry of slaveholders with their slaves, if they should think best. With some the apology was the alleged rights of slaveholders; with others it was the alleged rights of the people. With some it was openly the extension of slavery; and with others it was openly the establishment of freedom, under the guise of popular sovereignty. The measure, thus upheld in defiance of reason, was carried through Congress in defiance of all securities of legislation. These things I mention that you may see in what foulness the present crime was engendered.

It was carried, *first*, by *whipping in*, through Executive influence and patronage, men who acted against their own declared judgment and the known will of their constituents; *secondly*, by *thrusting out of place*, both in the Senate and House of Representatives, important business, long pending, and usurping its room; *thirdly*, by *trampling under foot* the rules of the House of Representatives, always before the safeguard of the minority; and, *fourthly*, by *driving it to a close*, during the very session in which it originated, so that it might not be arrested by the indignant voice of the People. Such are some of the means by which this snap judgment was obtained. If the clear will of the people had not been disregarded, it could not have passed. If the government had not nefariously interposed, it could not have passed. If it had been left to its natural place in the order of business, it could not have passed. If the rules of the House and the rights of the minority had not been violated, it could not have passed. If it had been allowed to go over to another Congress, when the people might

be heard, it would have been ended; and then the Crime we now deplore would have been without its first seminal life.

Mr. President, I mean to keep absolutely within the limits of parliamentary propriety. I make no personal imputations, but only with frankness, such as belongs to the occasion and my own character, describe a great historical act, now enrolled in the Capitol. Sir, the Nebraska Bill was in every respect a swindle. It was a swindle of the North by the South. On the part of those who had already completely enjoyed their share of the Missouri Compromise, it was a swindle of those whose share was yet absolutely untouched; and the plea of unconstitutionality set up—like the plea of usury after the borrowed money has been enjoyed—did not make it less a swindle. Urged as a bill of peace, it was a swindle of the whole country. Urged as opening the doors to slave-masters with their slaves, it was a swindle of Popular Sovereignty in its asserted doctrine. Urged as sanctioning Popular Sovereignty, it was a swindle of slave-masters in their asserted rights. It was a swindle of a broad territory, thus cheated of protection against slavery. It was a swindle of a great cause, early espoused by Washington, Franklin, and Jefferson, surrounded by the best fathers of the Republic. Sir, it was a swindle of God-given, inalienable rights. Turn it over, look at it on all sides, and it is everywhere a swindle; and, if the word I now employ has not the authority of classical usage, it has, on this occasion, the indubitable authority of fitness. No other word will adequately express the mingled meanness and wickedness of the cheat.

Its character is still further apparent in the general structure of the bill. Amidst overflowing professions of regard for the sovereignty of the people in the Territory, they are despoiled of every essential privilege of sovereignty. They are not allowed to choose governor, secretary, chief justice, associate justices, attorney, or marshal,—all of whom are sent from Washington; nor are they allowed to regulate the salaries of any of these functionaries, or the daily allowance of the legislative body, or even the pay of the clerks and door-keepers: but they are left free to adopt slavery. And this is nicknamed Popular Sovereignty! Time does not allow, nor does the occasion require, that I should stop to dwell on this transparent device to cover a transcendent wrong. Suffice it to say that slavery is in itself an arrogant denial of human

rights, and by no human reason can the power to establish such a wrong be placed among the attributes of any just sovereignty. In refusing it such a place, I do not deny popular rights, but uphold them; I do not restrain popular rights, but extend them. And, sir, to this conclusion you must yet come, unless deaf, not only to the admonitions of political justice, but also to the genius of our Constitution, under which, when properly interpreted, no valid claim for slavery can be set up anywhere in the national territory. The Senator from Michigan [Mr. CASS] may say, in response to the Senator from Mississippi [Mr. BROWN], that slavery cannot go into the Territory, under the Constitution, without legislative introduction; and permit me to add, in response to both, that slavery cannot go there at all. *Nothing can come out of nothing*; and there is absolutely nothing in the Constitution out of which slavery can be derived, while there are provisions which, when properly interpreted, make its existence anywhere within the exclusive national jurisdiction impossible.

The offensive provision in the bill is in its form a legislative anomaly, utterly wanting the natural directness and simplicity of an honest transaction. It does not undertake openly to repeal the old prohibition of slavery, but seems to mince the matter, as if conscious of the swindle. It says that this prohibition, "being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the Compromise Measures, is hereby declared inoperative and void." Thus, with insidious ostentation, is it pretended that an act violating the greatest compromise of our legislative history, and loosening the foundations of all compromise, is derived out of a compromise. Then follows in the bill the further declaration, entirely without precedent, which has been aptly called "a stump speech in its belly," namely, "it being the true intent and meaning of this act not to legislate slavery into any Territory or State nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."* Here are smooth words, such as belong to a cunning tongue enlisted in a bad cause. But, whatever may have been their various hidden

* Act to organize the Territories of Nebraska and Kansas, Sect. 14, Statutes at Large, vol. x. p. 283.

meanings, this at least is evident, that, by their effect, the Congressional prohibition of slavery, which had always been regarded as a sevenfold shield, covering the whole Louisiana Territory north of $36^{\circ} 30'$, is now removed, while a principle is declared which renders the supplementary prohibition of slavery in Minnesota, Oregon, and Washington "inoperative and void," and thus opens to slavery all these vast regions, now the rude cradles of mighty States. Here you see the magnitude of the mischief contemplated. But my purpose is with the crime against Kansas, and I shall not stop to expose the conspiracy beyond.

Mr. President, men are wisely presumed to intend the natural consequences of their conduct, and to seek what their acts seem to promote. Now the Nebraska Bill, on its very face, openly clears the way for slavery, and it is not wrong to presume that its originators intended the natural consequences of such an act, and sought in this way to extend slavery. Of course they did. And this is the first stage in the Crime against Kansas.

This was speedily followed by other developments. It was soon whispered that Kansas must be a slave State. In conformity with this barefaced scheme was the government of this unhappy Territory organized in all its departments; and thus did the President, by whose complicity the prohibition of slavery was overthrown, lend himself to a new complicity,—giving to the conspirators a lease of connivance, amounting even to copartnership. The governor, secretary, chief justice, associate justices, attorney, and marshal, with a whole caucus of other stipendiaries, nominated by the President and confirmed by the Senate, are all commended as friendly to slavery. No man with the sentiments of Washington or Jefferson or Franklin finds favor; nor is it too much to say that, had these great patriots once more come among us, not one of them, with his recorded, unretracted opinions on slavery, could be nominated by the President or confirmed by the Senate for any post in that Territory. With such auspices the conspiracy proceeded. Even in advance of the Nebraska Bill, secret societies were organized in Missouri, ostensibly to protect her institutions, and afterwards, under the name of "Self-defensive Associations" and "Blue Lodges," these were multiplied throughout the western counties of that State, *before any counter-movement from the North*. It was confidently an-

ticipated, that, by the activity of these societies, and the interest of slaveholders everywhere, with the advantage derived from the neighborhood of Missouri and the influence of the Territorial Government, slavery might be introduced into Kansas, quietly, but surely, without arousing conflict,—that the crocodile egg might be stealthily dropped in the sunburnt soil, there to be hatched, unobserved until it sent forth its reptile monster.

But the conspiracy was unexpectedly balked. The debate, which convulsed Congress, stirred the whole country. From all sides attention was directed upon Kansas, which at once became the favorite goal of emigration. The bill loudly declares that its object is "to leave the people perfectly free to form and regulate their domestic institutions in their own way," and its supporters everywhere challenge the determination of the question between freedom and slavery by a competition of emigration. Thus, while opening the Territory to slavery, the bill also opens it to emigrants from every quarter, who may by votes redress the wrong. The populous North, stung by sense of outrage and inspired by a noble cause, are pouring into the debatable land, and promise soon to establish a supremacy of numbers there, involving, of course, a just supremacy of Freedom.

Then was conceived the consummation of the crime against Kansas. What could not be accomplished peaceably was to be accomplished forcibly. The reptile monster, that could not be quietly and securely hatched there, is to be pushed full-grown into the Territory. All efforts are now applied to the dismal work of forcing slavery upon free soil. In flagrant derogation of the very popular sovereignty whose name helped to impose this bill upon the country, the atrocious object is distinctly avowed. And the avowal is followed by the act. Slavery is forcibly introduced into Kansas, and placed under formal safeguard of pretended law. How this is done belongs to the argument.

In depicting this consummation, the simplest outline, without one word of color, will be best. Whether regarded in mass or detail, in origin or result, it is all blackness, illumined by nothing from itself, but only by the heroism of the undaunted men and women whom it environed. A plain statement of facts is a picture of direst truth, which faithful History will preserve in its darkest gallery. In the foreground all will

recognize a familiar character, in himself connecting link between President and border ruffian,—less conspicuous for ability than for the exalted place he has occupied,—who once sat in the seat where you now sit, sir,—where once sat John Adams and Thomas Jefferson,—also, where once sat Aaron Burr. I need not add the name of David R. Atchison.* You do not forget that, at the session of Congress immediately succeeding the Nebraska Bill, he came tardily to his duty here, and then, after a short time, disappeared. The secret was long since disclosed. Like Catiline, he stalked into this Chamber, reeking with conspiracy,—*immo etiam in Senatum venit*,—and then, like Catiline, he skulked away,—*abiit, excessit, evasit, erupit*,—to join and provoke the conspirators, who at a distance awaited their congenial chief. Under the influence of his malign presence the crime ripened to its fatal fruits, while the similitude with Catiline is again renewed in the sympathy, not even concealed, which he finds in the very Senate itself, where, beyond even the Roman example, a Senator has not hesitated to appear as his open compurgator.

And now, as I proceed to show the way in which this Territory was overrun and finally subjugated to slavery, I desire to remove, in advance, all question with regard to the authority on which I rely. The evidence is secondary, but it is the best which, in the nature of the case, can be had; and it is not less clear, direct, and peremptory than any by which we are assured of the campaigns in the Crimea or the fall of Sebastopol. In its manifold mass, I confidently assert that it is such a body of evidence as the human mind is not able to resist. It is found in the concurring reports of the public press, in the letters of correspondents, in the testimony of travellers, and in the unaffected story to which I have listened from leading citizens, who, during this winter, have “come flocking” here from that distant Territory. It breaks forth in the irrepressible outcry reaching us from Kansas, whose truthful tones leave no ground of mistake. It addresses us in formal complaint, instinct with the indignation of a people determined to be free, and unimpeachable as the declarations of a murdered man on his dying-bed against his murderer. And let me add that all this testimony finds echo in the very statute book of the conspirators, and also in language dropped from the President of the United States.

* Senator from Missouri at Washington from 1843 to 1855, and for several sessions President *pro tempore* of the Senate.

I begin with an admission from the President himself, in whose sight the people of Kansas have little favor. After arraigning the innocent emigrants from the North, he is constrained to declare that their conduct is "far from justifying the *illegal* and *reprehensible* counter-movements which ensued." * By the reluctant admission of the Chief Magistrate, then, there was a counter-movement at once "*illegal* and *reprehensible*." I thank thee, President, for teaching me these words; and I now put them in the front of this exposition, as in themselves a confession. Sir, this "illegal and reprehensible counter-movement" is none other than the dreadful Crime—under an apologetic *alias*—by which, through successive invasions, slavery is forcibly planted in this Territory.

Next to this Presidential admission must be placed details of invasions, which I now present as not only "illegal and reprehensible," but also unquestionable evidence of the resulting crime.

The violence, for some time threatened, broke forth on the 29th of November, 1854, at the first election of a Delegate to Congress, when companies from Missouri, amounting to upwards of one thousand, crossed into Kansas, and with force and arms proceeded to vote for General Whitfield, the candidate of slavery. An eye-witness, General Pomeroy,† of superior intelligence and perfect integrity, thus describes this scene:—

The first ballot-box that was opened upon our virgin soil was closed to us by overpowering numbers and impending force. So bold and reckless were our invaders that they cared not to conceal their attack. They came upon us, not in the guise of voters, to steal away our franchise, but boldly and openly, to snatch it with a strong hand. They came directly from their own homes, and in compact and organized bands, with arms in hand and provisions for the expedition, marched to our polls, and, when their work was done, returned whence they came.

Here was an outrage at which the coolest blood of patriotism boils. Though, for various reasons unnecessary to develop, the busy settlers allowed the election to pass uncontested, still the means employed were none the less "illegal and reprehensible."

This infliction was a significant prelude to the grand invasion

* Message relative to the Affairs in the Territory of Kansas, Jan. 24, 1856, Executive Documents, 34th Cong., 1st Sess., No. 28, p. 4.

† Hon. S. C. Pomeroy, afterwards for many years Senator of Kansas at Washington.

of the 30th of March, 1855, at the election of the first Territorial legislature under the organic law, when an armed multitude from Missouri entered the Territory in larger numbers than General Taylor commanded at Buena Vista or than General Jackson had within his lines at New Orleans,—much larger than our fathers rallied on Bunker Hill. On they came as “an army with banners,” organized in companies, with officers, munitions, tents, and provisions, as though marching upon a foreign foe, and breathing loud-mouthed threats that they would carry their purpose, if need were, by the bowie-knife and revolver. Among them, according to his own confession, was David R. Atchison, belted with the vulgar arms of his vulgar comrades. Arrived at their several destinations on the night before the election, the invaders pitched their tents, placed their sentries, and waited for the coming day. The same trustworthy eye-witness whom I have already quoted says of one locality:—

Baggage-wagons were there, with arms and ammunition enough for a protracted fight, and among them two brass field-pieces, ready charged. They came with drums beating and flags flying, and their leaders were of the most prominent and conspicuous men of their State.

Of another locality he says:—

The invaders came together in one armed and organized body, with trains of fifty wagons, besides horsemen, and the night before election pitched their camp in the vicinity of the polls; and having appointed their own judges in place of those who, from intimidation or otherwise, failed to attend, they voted without any proof of residence.

With this force they were able, on the succeeding day, in some places, to intimidate the judges of elections, in others to substitute judges of their own appointment, in others to wrest the ballot-boxes from their rightful possessors, and everywhere to exercise a complete control of the election: and thus, by preternatural audacity of usurpation, impose a legislature upon the free people of Kansas. Thus was conquered the Sebastopol of that Territory!

It was not enough to secure the legislature. The election of a member of Congress recurred on the 1st of October, 1855; and the same foreigners, who had learned their strength, again manifested it. Another invasion, in controlling numbers, came from Missouri, and once more forcibly exercised the electoral franchise in Kansas.

At last, in the latter days of November, 1855, a storm, long gathering, burst upon the heads of the devoted people. The ballot-boxes had been violated and a legislature installed which proceeded to carry out the conspiracy of the invaders; but the good people of the Territory, born to freedom and educated as American citizens, showed no signs of submission. Slavery, though recognized by pretended law, was in many places practically an outlaw. To the lawless borderers this was hard to bear; and, like the heathen of old, they raged particularly against the town of Lawrence, already known by the firmness of its principles and the character of its citizens as citadel of the good cause. On this account they threatened, in their peculiar language, to "wipe it out." Soon the hostile power was gathered for this purpose. The wickedness of this invasion was enhanced by the way in which it began. A citizen of Kansas by the name of Dow was murdered by a partisan of slavery in the name of "law and order." Such an outrage naturally aroused indignation and provoked threats. The professors of "law and order" allowed the murderer to escape, and, still further to illustrate the irony of the name they assumed, seized the friend of the murdered man, whose few neighbors soon rallied for his rescue. This transaction, though totally disregarded in its chief front of wickedness, became the excuse for unprecedented excitement. The weak Governor,* with no faculty higher than servility to slavery,—whom the President, in official delinquency, had appointed to a trust worthy only of a well-balanced character,—was frightened from his propriety. By proclamation he invoked the Territory. By telegraph he invoked the President. The Territory would not respond to his senseless appeal. The President was false. But the proclamation was circulated throughout the border counties of Missouri; and Platte, Clay, Carroll, Saline, Howard, and Jackson, each of them contributed a volunteer company, recruited from the roadsides, and armed with weapons which chance afforded, known as "the shot-gun militia,"—with a Missouri officer as commissary general, dispensing rations, and another Missouri officer as general in chief; with two wagon-loads of rifles belonging to Missouri, drawn by six mules from its arsenal at Jefferson City; with seven pieces of cannon belonging to the United States from its arsenal at Liberty; and this formidable force amounting to at least

* Hon. Wilson Shannon.

1,800 men, terrible with threats, oaths, and whiskey, crossed the borders, and encamped in larger part on the Wakarusa over against the doomed town of Lawrence, now threatened with destruction. With these invaders was the Governor, who by this act levied war upon the people he was sent to protect. In camp with him was the original Catiline of the conspiracy, while by his side were the docile Chief Justice and the docile judges. But this is not the first instance in which an unjust governor has found tools where he ought to have found justice. In the great impeachment of Warren Hastings the British orator by whom it was conducted exclaims, in words strictly applicable to the misdeed I here denounce: "Had he not the Chief Justice, the tamed and domesticated Chief Justice, who waited on him like a familiar spirit?"* Thus was this invasion countenanced by those who should have stood in the breach against it. For more than a week it continued, while deadly conflict was imminent. I do not dwell on the heroism by which it was encountered or the mean retreat to which it was compelled; for that is not necessary in exhibiting the crime which you are to judge. But I cannot forbear to add other features furnished in a letter written at the time by a clergyman, who saw and was part of what he describes:—

Our citizens have been shot at and in two instances murdered, our houses invaded, hay-ricks burnt, corn and other provisions plundered, cattle driven off, all communication cut off between us and the States, wagons on the way to us with provisions stopped and plundered, and the drivers taken prisoners, and we in hourly expectation of an attack. *Nearly every man has been in arms in the village.* Fortifications have been thrown up, by incessant labor night and day. The sound of the drum and the tramp of armed men resounded through our streets, *families fleeing with their household goods for safety.* Day before yesterday the report of cannon was heard at our house, from the direction of Lecompton. Last Thursday one of our neighbors,—one of the most peaceful and excellent of men, from Ohio,—on his way home, was set upon by a gang of twelve men on horseback, and shot down. Over eight hundred men are gathered under arms at Lawrence. As yet no act of violence has been perpetrated by those on our side. *No blood of retaliation stains our hands. We stand, and are ready to act, purely in defence of our homes and lives.*

The catalogue is not yet complete. On the 15th of December, when the people assembled to vote on the Constitution submitted for adoption, only a few days after the Treaty of

*Burke, Speech in the Impeachment of Warren Hastings, Feb. 16, 1788, Works (London, 1822), vol. xiii. p. 202.

Peace between the governor on the one side and the town of Lawrence on the other, another and fifth irruption was made. But I leave all this untold. Enough of these details has been given.

Five several times and more have these invaders entered Kansas in armed array, and thus five several times and more have they trampled upon the organic law of the Territory. These extraordinary expeditions are simply the extraordinary witnesses to successive, uninterrupted violence. They stand out conspicuous, but not alone. The spirit of evil, in which they had their origin, is wakeful and incessant. From the beginning it hung upon the skirts of this interesting Territory, harrowing its peace, disturbing its prosperity, and keeping its inhabitants under the painful alarms of war. All security of person, property, and labor, was overthrown; and, when I urge this incontrovertible fact, I set forth a wrong which is small only by the side of the giant wrong for the consummation of which all this is done. Sir, what is man, what is government, without security, in the absence of which nor man nor government can proceed in development or enjoy the fruits of existence? Without security civilization is cramped and dwarfed. Without security there is no true freedom. Nor shall I say too much, when I declare that security, guarded of course by its parent freedom, is the true end and aim of government. Of this indispensable boon the people of Kansas are despoiled, — absolutely, totally. All this is aggravated by the nature of their pursuits, rendering them peculiarly sensitive to interruption, and at the same time attesting their innocence. They are for the most part engaged in the cultivation of the soil, which from time immemorial has been the sweet employment of undisturbed industry. Contented in the returns of bounteous nature and the shade of his own trees, the husbandman is not aggressive. Accustomed to produce, and not to destroy, he is essentially peaceful, unless his home is invaded, when his arm derives vigor from the soil he treads, and his soul inspiration from the heavens beneath whose canopy he daily toils. Such are the people of Kansas, whose security has been overthrown. Scenes from which Civilization averts her countenance are part of their daily life. Border incursions, which in barbarous ages or barbarous lands fretted and harried an exposed people, are here renewed, with this peculiarity, that our border robbers do not simply levy blackmail

and drive off a few cattle, like those who acted under the inspiration of the Douglas of other days,—they do not seize a few persons, and sweep them away into captivity, like the African slave-traders, whom we brand as pirates,—but they commit a succession of deeds in which border sorrows and African wrongs are revived together on American soil, while, for the time being, all protection is annulled, and the whole Territory is enslaved.

Private griefs mingle their poignancy with public wrongs. I do not dwell on the anxieties of families exposed to sudden assault, and lying down to rest with the alarms of war ringing in the ears, not knowing that another day may be spared to them. Throughout this bitter winter, with the thermometer at thirty degrees below zero, the citizens of Lawrence were constrained to sleep under arms, with sentinels pacing constant watch against surprise. Our souls are wrung by individual instances. In vain do we condemn the cruelties of another age, the refinements of torture to which men were doomed, the rack and thumb-screw of the Inquisition, the last agonies of the regicide Ravallac,

“Luke's iron crown and Damien's bed of steel”,

for kindred outrages disgrace these borders. Murder stalks, Assassination skulks in the tall grass of the prairie, and the vindictiveness of man assumes unwonted forms. A preacher of the gospel has been ridden on a rail, then thrown into the Missouri, fastened to a log, and left to drift down its muddy, tortuous current. And lately we have the tidings of that enormity without precedent, a deed without a name, where a candidate for the legislature was most brutally gashed with knives and hatchets, and then, after weltering in blood on the snow-clad earth, trundled along with gaping wounds to fall dead before the face of his wife. It is common to drop a tear of sympathy over the sorrows of our early fathers, exposed to the stealthy assault of the savage foe; and an eminent American artist* has pictured this scene in a marble group on the front of the National Capitol, where the uplifted tomahawk is arrested by the strong arm and generous countenance of the pioneer, whose wife and children find shelter at his feet. But now the tear must be dropped over the sorrows of fellow-

* Horatio Greenough, the earliest of our sculptors, and also excellent with his pen.

citizens building a new State in Kansas, and exposed to the perpetual assault of murderous robbers from Missouri. Hirelings picked from the drunken spew and vomit of an uneasy civilization, having the form of men,—

"Ay, in the catalogue ye go for men:
As hounds and greyhounds, mongrels, spaniels, curs,
Shoughs, water-rugs, and demi-wolves are clept
All by the name of dogs,"—

leashed together by secret signs and lodges, renew the incredible atrocities of the Assassins and the Thugs, showing the blind submission of the Assassins to the Old Man of the Mountain in robbing Christians on the road to Jerusalem, and the heartlessness of the Thugs, who, avowing that murder is their religion, waylay travellers on the great road from Agra to Delhi,—with the more deadly bowie-knife for the dagger of the Assassin and the more deadly revolver for the noose of the Thug.

In these invasions, with the entire subversion of all security in this Territory, the plunder of the ballot-box, and the pollution of the electoral franchise, I show simply the process in unprecedented crime. If that be the best government where injury to a single citizen is resented as injury to the whole State, what must be the character of a government which leaves a whole community of citizens thus exposed? In the outrage upon the ballot-box, even without the illicit fruits which I shall soon exhibit, there is a peculiar crime of the deepest dye, though subordinate to the final crime, which should be promptly avenged. In other lands, where royalty is upheld, it is a special offence to rob the crown jewels, which are emblems of that sovereignty before which the loyal subject bows, and it is treason to be found in adultery with the queen, for in this way may a false heir be imposed upon the State; but in our Republic the ballot-box is the single price-less jewel of that sovereignty which we respect, and the electoral franchise, where are born the rulers of a free people, is the royal bed we are to guard against pollution. In this plain presentment, whether as regards security or as regards elections, there is enough, without proceeding further, to justify the intervention of Congress, promptly and completely, to throw over this oppressed people the impenetrable shield of the Constitution and laws. But the half is not yet told.

As every point in a wide-spread horizon radiates from a common centre, so everything said or done in this vast circle of crime radiates from the *One Idea* that Kansas, at all hazards, must be made a slave State. In all the manifold wickednesses that occur and in every successive invasion, this *One Idea* is ever present, as Satanic tempter, motive power, *causing cause*. Talk of "one idea"! Here it is with a vengeance!

To accomplish this result, three things are attempted: *first*, by outrage of all kinds, to drive the friends of freedom out of the Territory; *secondly*, to deter others from coming; and, *thirdly*, to obtain complete control of the government. The process of driving out, and also of deterring, has failed. On the contrary, the friends of freedom there have become more fixed in resolve to stay and fight the battle which they never sought, but from which they disdain to retreat, while the friends of freedom elsewhere are more aroused to the duty of timely succor by men and munitions of just self-defence.

While defeated in the first two processes, the conspirators succeeded in the last. By the violence already portrayed at the election of the 30th of March, when the polls were occupied by armed hordes from Missouri, they imposed a legislature upon the Territory, and thus, under the iron mask of law, established a Usurpation not less complete than any in history. That this was done I proceed to prove. Here is the evidence.

1. Only in this way can this extraordinary expedition be adequately explained. In the words of Molière, once employed by John Quincy Adams in the other House, "*Que diable allaient-ils faire dans cette galère?*" What did they go into the Territory for? If their purposes were peaceful, as has been suggested, why cannons, arms, flags, numbers, and all this violence? As simple citizens, proceeding to the honest exercise of the electoral franchise, they might go with nothing more than a pilgrim's staff. Philosophy always seeks a *sufficient cause*, and only in the *One Idea* already presented can a cause be found in any degree commensurate with the crime; and this becomes so only when we consider the mad fanaticism of slavery.

2. Public notoriety steps forward to confirm the suggestion of reason. In every place where Truth can freely travel it is asserted and understood that the legislature was imposed upon Kansas by foreigners from Missouri; and this universal voice is now received as undeniable verity.

3. It is also attested by harangues of the conspirators. Here is what Stringfellow said *before* the invasion : —

To those who have qualms of conscience as to violating laws, State or national, the time has come when such impositions must be disregarded, as your rights and property are in danger; and I advise you, one and all, to enter every election district in Kansas in defiance of Reeder and his vile myrmidons, and vote at the point of the bowie-knife and revolver. Neither give nor take quarter, as our cause demands it. It is enough that the slaveholding interest wills it, from which there is no appeal. What right has Governor Reeder to rule Missourians in Kansas? His proclamation and prescribed oath must be repudiated. It is your interest to do so. Mind that slavery is established where it is not prohibited.

Here is what Atchison said *after* the invasion : —

Well, what next? Why, an election for members of the legislature to organize the Territory must be held. What did I advise you to do then? Why, meet them on their own ground, and beat them at their own game again; and, cold and inclement as the weather was, I went over with a company of men. My object in going was not to vote. I had no right to vote, unless I had disfranchised myself in Missouri. I was not within two miles of a voting-place. My object in going was not to vote, but to settle a difficulty between two of our candidates; and the Abolitionists of the North said, and published it abroad, that Atchison was there with bowie-knife and revolver.—and, by God, 'twas true! I never did go into that Territory, I never intend to go into that Territory, without being prepared for all such kind of cattle. Well, we beat them, and Governor Reeder gave certificates to a majority of all the members of both Houses; and then, after they were organized, as everybody will admit, they were the only competent persons to say who were and who were not members of the same.

4. It is confirmed by contemporaneous admission of *The Squatter Sovereign*, a paper published at Atchison, and at once the organ of the President and of these Borderers, which, under the date of April 1, thus recounts the victory : —

INDEPENDENCE [MISSOURI], March 31, 1855.

Several hundred emigrants from Kansas have just entered our city. They were preceded by the Westport and Independence brass bands. They came in at the west side of the public square, and proceeded entirely around it, the bands cheering us with fine music and the emigrants with good news. Immediately following the bands were about two hundred horsemen in regular order; following these were one hundred and fifty wagons, carriages, etc. They gave repeated cheers for Kansas and Missouri. They report that not an anti-slavery man will be in the legislature of Kansas. *We have made a clean sweep.*

5. It is also confirmed by contemporaneous testimony of another paper always faithful to slavery, the New York *Herald*,

in the letter of a correspondent from Brunswick, Mo., under date of April 20, 1855:—

From five to seven thousand men started from Missouri to attend the election, some to remove, but the most to return to their families, with an intention, if they liked the Territory, to make it their permanent abode at the earliest moment practicable. But they intended to vote. The Missourians were, many of them, Douglas men. There were one hundred and fifty voters from this county, one hundred and seventy-five from Howard, one hundred from Cooper. Indeed, every county furnished its quota; and, when they set out, it looked like an army. . . . They were armed. . . . And, as there were no houses in the Territory, they carried tents. Their mission was a peaceable one,—to vote and to drive down stakes for their future homes. After the election some fifteen hundred of the voters sent a committee to Mr. Reeder to ascertain if it was his purpose to ratify the election. He answered that it was, and said the majority at an election must carry the day. But it is not to be denied that the fifteen hundred, apprehending that the governor might attempt to play the tyrant,—since his conduct had already been insidious and unjust,—were on their hats bunches of hemp. They were resolved, if a tyrant attempted to trample upon the rights of the sovereign people, to hang him.

6. It is again confirmed by testimony of a lady for five years resident in Western Missouri, who thus writes in a letter published in the *New Haven Register*:—

MIAMI, SALINE COUNTY, Nov. 26, 1855.

You ask me to tell you something about the Kansas and Missouri troubles. Of course you know in what they have originated. *There is no denying that the Missourians have determined to control the elections, if possible; and I do not know that their measures would be justifiable, except upon the principle of self-preservation, and that, you know, is the first law of nature.*

7. And it is confirmed still further by the Circular of the Emigration Society of Lafayette County, in Missouri, dated as late as 25th of March, 1856, where the efforts of Missourians are openly confessed:—

The western counties of Missouri have for the last two years been heavily taxed, both in money and time, in fighting the battles of the South. *Lafayette County alone has expended more than one hundred thousand dollars in money, and as much or more in time. Up to this time the border counties of Missouri have upheld and maintained the rights and interests of the South in this struggle, unassisted, and not unsuccessfully.* But the Abolitionists, staking their all upon the Kansas issue, and hesitating at no means, fair or foul, are moving heaven and earth to render that beautiful Territory a *Free State*.

8. Here, also, is amplest testimony to the usurpation, by

the *Intelligencer*, a leading paper of St. Louis, Mo., made in the ensuing summer:—

Atchison and Stringfellow, with their Missouri followers, overwhelmed the settlers in Kansas, browbeat and bullied them, and took the government from their hands. Missouri votes elected the present body of men, who insult public intelligence and popular rights by styling themselves "the legislature of Kansas." This body of men are helping themselves to fat speculations by locating the "seat of government" and getting town lots for their votes. They are passing laws disfranchising all the citizens of Kansas who do not believe Negro Slavery to be a Christian institution and a national blessing. They are proposing to punish with imprisonment the utterance of views inconsistent with their own. And they are trying to perpetuate their preposterous and infernal tyranny by appointing *for a term of years* creatures of their own, as commissioners in every county, to lay and collect taxes, and see that the laws they are passing are faithfully executed. Has this age anything to compare with these acts in audacity?

9. In harmony with all these is the authoritative declaration of Governor Reeder in a speech to his neighbors at Easton, Penn., at the end of April, 1855, and immediately afterwards published in the *Washington Union*. Here it is:—

It was, indeed, too true that Kansas had been invaded, conquered, subjugated, by an armed force from beyond her borders, led on by a fanatical spirit, trampling under foot the principles of the Kansas Bill and the right of suffrage.

10. In similar harmony is the complaint of the people of Kansas in public meeting at Big Springs on the 5th of September, 1855, embodied in these words:—

Resolved, That the body of men who for the last two months have been passing laws for the people of our Territory, moved, counselled, and dictated to by the demagogues of Missouri, are to us a foreign body representing only the lawless invaders who elected them, and not the people of the Territory,—that we repudiate their action as the monstrous consummation of an act of violence, usurpation, and fraud, unparalleled in the history of the Union, and worthy only of men unfitted for the duties and regardless of the responsibilities of Republicans.

11. Finally, the invasion which ended in the Usurpation is clearly established from official Minutes laid on our table by the President. But the effect of this testimony has been so amply exposed by the Senator from Vermont [Mr. COLLAMER], in his able and indefatigable argument, that I content myself with simply referring to it.

On this cumulative, irresistible evidence in concurrence with

antecedent history I rest. And yet Senators here argue that this cannot be,—precisely as the conspiracy of Catiline was doubted in the Roman Senate. “*Nonnulli sunt in hoc ordine, qui aut ea quæ imminet non videant, aut ea quæ vident dissimulant; qui spem Catilinæ mollibus sententiis aluerunt; conjurationemque nascentem non credendo corroboraverunt.*” * These words of the Roman orator picture the case here. As I listened to the Senator from Illinois while he painfully strove to show that there is no Usurpation, I was reminded of the effort by a distinguished logician to prove that Napoleon Bonaparte never existed. And permit me to say that the fact of his existence is not more entirely above doubt than the fact of this usurpation. This I assert on proofs already presented. But confirmation comes almost while I speak. The columns of the public press are daily filled with testimony solemnly taken before the committee of Congress in Kansas, which attests, in awful light, the violence ending in the Usurpation. Of this I may speak on some other occasion.† Meanwhile I proceed with the development of the crime.

The usurping legislature assembled at the appointed place in the interior, and then at once, in opposition to the veto of the governor, by a majority of two-thirds, removed to the Shawnee Mission, a place in most convenient proximity to the Missouri borderers, by whom it had been constituted, and whose tyrannical agent it was. The statutes of Missouri, in all their text, with their divisions and subdivisions, were adopted bodily, and with such little local adaptation that the word “State” in the original is not even changed to “Territory,” but is left to be corrected by an explanatory act. All this general legislation was entirely subordinate to the special chapter entitled “An Act to punish Offences against Slave Property,” where the One Idea that provoked this whole conspiracy is at last embodied in legislative form, and Human Slavery openly recognized on Free Soil, under the sanction of pretended law.‡ This chapter, of thirteen sections, is in itself a *Dance of Death*. But its complex completeness of wicked-

* Cicero, Oratio in Catilinam, l. 12.

† This review Mr. Sumner was disabled from making by the long illness following the assault by Brooks.

‡ Statutes of the Territory of Kansas, passed at the first session of the Legislative Assembly, 1855, and the Act of Congress organizing said Territory, and other Acts of Congress having immediate relation thereto, Shawnee M. L. School, 1855, Chap. 151, pp. 715-717. Mr. Sumner's copy of this curious volume, which once belonged to Mr. Seward, is lettered on the back “Laws of Kansas; Territorial Legislature, *alias* The Ruffian's Legislature.”

ness without parallel may be partially conceived, when it is understood that in three sections only is the penalty of death denounced no less than forty-eight different times, by as many changes of language, against the heinous offence, described in forty-eight different ways, of interfering with what does not exist in that Territory, and under the Constitution cannot exist there,—I mean property in human flesh. Thus is Liberty sacrificed to Slavery, and Death summoned to sit at the gates as guardian of the Wrong.

The work of Usurpation was not perfected even yet. It had already cost too much to be left at any hazard.

“To be thus is nothing,
But to be safely thus.”

Such was the object. And this could not be, except by the entire prostration of all the safeguards of Human Rights. Liberty of speech, which is the very breath of a Republic,—the press, which is the terror of wrong-doers,—the bar, through which the oppressed beards the arrogance of law,—the jury, by which right is vindicated,—all these must be struck down, while officers are provided in all places, ready to be the tools of this Tyranny; and then, to obtain final assurance that their crime is secure, the whole Usurpation, stretching over the Territory, must be fastened and riveted by legislative bolt, spike, and screw, *so as to defy all effort at change through ordinary forms of law*. To this work, in its various parts, were bent the subtlest energies; and never, from Tubal Cain to this hour, was any fabric forged with more desperate skill and completeness.

Mark, sir, three different legislative enactments constituting part of this work. *First*, according to one act, all who deny, by spoken or written word, “the right of persons to hold slaves in this Territory,” are denounced as felons, to be punished by imprisonment at hard labor for a term not less than two years,—it may be for life. To show the extravagance of this injustice, it is well put by the Senator from Vermont [Mr. COLLAMER] that, should the Senator from Michigan [Mr. CASS], who believes that Slavery cannot exist in a Territory unless introduced by express legislative act, venture there with his moderate opinions, his doom must be that of a felon! To such extent are the great liberties of speech and of the press subverted! *Secondly*, by another act, entitled “An Act concern-

ing Attorneys-at-law," no person can practise as attorney unless he *shall obtain a license* from the Territorial courts, which, of course, a tyrannical discretion will be free to deny; and, after obtaining such license, he is constrained to take an oath not only "to support" the Constitution of the United States, but also, "to support and sustain"—mark here the reduplication—the Territorial Act and the Fugitive Slave Bill, thus erecting a test for admission to the bar calculated to exclude citizens who honestly regard the latter legislative enormity as unfit to be obeyed. And, *thirdly*, by another act, entitled "An Act concerning Jurors," all persons "conscientiously opposed to the holding slaves" or "who do not admit the right to hold slaves in this Territory" are excluded from the jury on every question, civil or criminal, arising out of asserted slave property, while, in all cases, the summoning of the jury is left without one word of restraint to "the marshal, sheriff, or other officer," who is thus free to pack it according to his tyrannical discretion.

For the ready enforcement of all statutes against Human Freedom the President furnished a powerful quota of officers, in the governor, chief justice, judges, secretary, attorney, and marshal. The legislature completed this part of the work by constituting in each county a Board of Commissioners, composed of two persons, associated with the probate judge, whose duty it is to "appoint a county treasurer, coroner, justices of the peace, constables, and *all* other officers provided for by law," and then proceeding to the choice of this very Board, thus delegating and diffusing their usurped power, and tyrannically imposing upon the Territory a crowd of officers in whose appointment the people had no voice, directly or indirectly.

And still the final, inexorable work remained to be done. A legislature renovated in both branches could not assemble until 1858, so that, during this long intermediate period, this whole system must continue in the likeness of law, unless overturned by the National Government, or, in default of such interposition, by the generous uprising of an oppressed people. But it was necessary to guard against possibility of change, even tardily, at a future election; and this was done by two different acts, under the *first* of which all who do not take the oath to support the Fugitive Slave Bill are excluded from the elective franchise, and under the *second* of which all others are

entitled to vote who tender a tax of one dollar to the sheriff on the day of election; thus, by provision of Territorial law, disfranchising all opposed to Slavery, and at the same time opening the door to the votes of the invaders; by an unconstitutional shibboleth excluding from the polls the body of actual settlers, and by making the franchise depend upon a petty tax only admitting to the polls the mass of borderers from Missouri. By tyrannical forethought the Usurpation not only fortified all that it did, but assumed a *self-perpetuating* energy.

Thus was the Crime consummated. Slavery stands erect, clanking its chains on the Territory of Kansas, surrounded by a code of death, and trampling upon all cherished liberties, whether of speech, the press, the bar, the trial by jury, or the electoral franchise. And, sir, all this is done, not merely to introduce a wrong which in itself is a denial of all rights, and in dread of which mothers have taken the lives of their offspring,—not merely, as is sometimes said, to protect Slavery in Missouri, since it is futile for this State to complain of Freedom on the side of Kansas when Freedom exists without complaint on the side of Iowa and also on the side of Illinois,—but it is done for the sake of political power, in order to bring two new slaveholding Senators upon this floor, and thus to fortify in the National Government the desperate chances of a waning Oligarchy. As the gallant ship voyaging on pleasant summer seas is assailed by a pirate crew and plundered of its doubloons and dollars, so is this beautiful Territory now assailed in peace and prosperity and robbed of its political power for the sake of Slavery. Even now the black flag of the land pirates from Missouri waves at the mast-head; in their laws you hear the pirate yell and see the flash of the pirate knife; while, incredible to relate, the President, gathering the Slave Power to his back, testifies a pirate sympathy.

Sir, all this was done in the name of Popular Sovereignty. And this is the close of the tragedy. Popular Sovereignty, which, when truly understood, is a fountain of just power, has ended in Popular Slavery,—not in the subjection of the unhappy African race merely, but of this proud Caucasian blood which you boast. The profession with which you began of *All by the People* is lost in the wretched reality of *Nothing for the People*. Popular Sovereignty, in whose deceitful name plighted faith was broken and an ancient Landmark of Freedom

overturned, now lifts itself before us like Sin in the terrible picture of Milton, which

"seemed woman to the waist, and fair,
But ended foul in many a scaly fold
Voluminous and vast, a serpent armed
With mortal sting: about her middle round
A cry of hell-hounds never ceasing barked
With wide Cerberian mouths full loud, and rung
A hideous peal; yet, when they list, would creep,
If aught disturbed their noise, into her womb,
And kennel there, yet there still barked and howled
Within, unseen."

The image is complete at all points; and with this exposure I take my leave of the Crime against Kansas.

The works of Charles Sumner in fifteen volumes contain a vast number of speeches and papers relating to slavery; and, with the unusually full notes which accompany them, these constitute almost a history of the anti-slavery struggle during Sumner's public life. Three of his great anti-slavery speeches in the Senate stand out pre-eminent, and should be read by every student: "Freedom National, Slavery Sectional," Aug. 26, 1852 (Works, vol. iii. 87); "The Crime against Kansas," May 19 and 20, 1856 (iv. 125); and "The Barbarism of Slavery," June 4, 1860 (v. 1). The last is a complete survey of the history and character of slavery, and there is no summary and criticism more complete or powerful. The student should also read the speech "No Property in Man," on the constitutional amendment abolishing slavery, April 8, 1864 (viii. 347); and the eulogy on Abraham Lincoln, June 1, 1865 (ix. 367).

The speech on "The Crime against Kansas," in itself one of the strongest and most influential of Sumner's speeches, possesses the further interest of being the speech which provoked the brutal assault upon Sumner two days after its delivery, by Preston S. Brooks, a representative of South Carolina, which compelled his absence from the Senate for three years, and nearly cost him his life. It is one of the longest of his speeches, discussing: "first, the crime against Kansas, in its origin and extent; second, the apologies for the crime; and, third, the true remedy." The first main section, following the powerful exordium, is given in the present leaflet.

The *Memoirs and Letters of Charles Sumner*, in four volumes, by Edward L. Pierce, is one of the most thorough biographies which has been written of any American, and one of the most important contributions to the history of the anti-slavery struggle. In Chapters XXXVI., XL., and XLIII. of the third volume will be found the accounts respectively of the circumstances attending the delivery of the three great speeches especially referred to above.

There are brief lives of Sumner by Nason, Chaplin, and Anna L. Dawes. There is also a valuable volume edited by William M. Cornell, containing a memoir by the editor, and the various important eulogies of Sumner after his death, including that by Carl Schurz before the Boston city government, that by George William Curtis before the Massachusetts legislature, and the eulogies in Congress.